

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Badger *et al.*      Examiner : TBD  
Serial No. : 10/537,474      Confirmation No. : 3259  
Filed : 06/03/2005      Group Art Unit : TBD  
For : A System And Method For Inter-Relating Multiple Data Types

**RECONSIDERATION OF DENIAL OF PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Electronically Filed on **11/26/2008**

Mail Stop **PETITION**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

On June 3, 2005, Applicants mailed the following documents to the USPTO by Express Mail (attached as Exhibit 1):

1. Transmittal Letter (2 pages)
2. Patent Application (9 pages of specification, 3 pages of claims, 5 sheets of drawings)
3. Form PCT/ISA/220 (1 page)
4. Form PCT/IB/308 (1 page)
5. Check for \$1000.00 (1 page)
6. Return Receipt Postcard (1 page)

On October 11, 2006, Applicants mailed a letter (Exhibit 3) (received on October 16, 2006 by the PTO) to the USPTO requesting the status of the application, but received no reply.

The USPTO then mailed a Notice of Abandonment on September 26, 2008 (Exhibit 2) indicating that the above-identified patent application had gone abandoned for failure to respond to an office communication. However, Applicants never received a copy of the Notification of Missing Requirements that was apparently mailed on January 22, 2008 (Exhibit 4).

Applicants submitted a petition for withdrawal of the holding of abandonment under 37

C.F.R. § 1.181(a) on October 24, 2008. On October 30, 2008, the USPTO sent a decision denying Applicants request for withdrawal of abandonment. This reply follows.

Remarks begin on page 3.

**Remarks**

Applicants request reconsideration of the USPTO's denial of Applicants' petition to withdraw the holding of abandonment in the above captioned case. Applicants submit, as shown by the following remarks and the exhibits attached hereto, that the notice of missing requirements dated January 22, 2008 was never received at the correspondence address of record.

Office communications received at Applicants' attorneys' offices is promptly reviewed and entered into the deadline management system. It is Applicants' attorneys' office policy that a patent clerk, who is the sole person that receives and opens incoming communications via regular mail (such as the notice of missing requirements apparently mailed on January 22, 2008) from the USPTO, scans the incoming communication and places the communication in the corresponding file jacket. The file is then forwarded to a second patent clerk who enters the relevant deadlines/reminders into the deadline management system. It is Applicants' attorneys' policy that this process is done on the day the office communication is received, but the information is entered no more than one or two days after receipt. A report (Exhibit 5) showing all deadlines as of March 22, 2008, two months after the mailing date of the notice of missing requirements, shows that no reminders/deadlines were entered for this communication. Furthermore, Reports generated for the subsequent extension deadlines (April 22, May 22, June 22, July 22, and August 22) (Exhibit 6) likewise show that no deadlines existed in the deadline management system for the above captioned case.

Applicants' attorneys employ a sophisticated, commercial patent management system from Computer Packages, Inc. called CPi Patent Management System to enter and track the deadlines for incoming office communications. According to its website ([www.computerpackages.com](http://www.computerpackages.com)), Computer Packages, Inc. has been delivering patent management systems since 1968. The CPi Patent Management system automatically calculates deadlines and tracks the deadlines throughout the patent life cycle. The CPi Patent Management System is built on top of a Microsoft Access database from Microsoft, which is one of the world's leading database systems manufacturers. Accordingly, the CPi Patent Management System is reliable. At the same time that the copy of the office communication is placed in the file, an electronic mail message is sent to the responsible attorney. A review of the working attorney's mailbox reveals that no communication was received by the working attorney on March 22, 2008

regarding the above captioned case.

In addition, a review of the file jacket reveals that no notice of missing requirements was received on January 22, 2008. A copy of the file jacket (Exhibit 7) is provided

Applicants therefore contend that the abandonment for the above-identified patent application should be withdrawn because the Notification of Missing Requirements was never received. Applicants also request that a new period of reply be set for responding to the Notification.

Applicants believe that there is no fee required with this communication. However, if any fees are required, the Commissioner is hereby authorized to charge payment of any fees relating to this communication to Deposit Account No. 02-4377.

Respectfully submitted,

BAKER BOTTS L.L.P.



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